

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION**

Edwin Allen and)	
Joan Allen, (spouse))	
)	
Plaintiffs,)	
)	
vs.)	Civ. 05-1021
)	
Brown Clinic, P.L.L.P.,)	
a South Dakota limited Liability)	
Partnership, d/b/a Brown Clinic and)	
Edwin Gerrish, M.D., an individual,)	ORDER DENYING PLAINTIFFS'
)	MOTION IN LIMINE
Defendants.)	

Plaintiff has moved for an order prohibiting the testimony of the defendants' expert medical witness. The claim is made that the background of the witness is such that he should be disqualified under the Daubert "Gate Keeper" function designed to keep junk science from the courtroom and jury.

The proposed witness, Paul Severson, is a licensed medical doctor; a board certified surgeon, and a professor at the University of Minnesota Medical School-Duluth.

He appears, on paper at least, to be as qualified as one can be on the subject matter of the suit. The fact that the Plaintiffs disagree with the conclusions reached regarding compliance with the applicable standard of care required of surgeons, or the reasoning process used to arrive at the conclusions, does not render the witness disqualified.

Daubert does not provide a substitute for cross examination.

The motion in limine is denied.

IT IS SO ORDERED.

Dated this 10th day of July, 2007.

/s/ Patrick A. Conmy
Patrick A. Conmy, Senior District Judge
United States District Court